

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

IRMA GARZA

Plaintiff,

Vs.

THE CITY OF EDINBURG, TEXAS  
RICHARD MOLINA, DAVID TORRES,  
JORGE SALINAS and GILBERT  
ENRIQUEZ

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CIVIL ACTION NO. 7:18-CV-00267

PLAINTIFF IRMA GARZA'S SECOND CORRECTED/AMENDED MOTION TO  
COMPEL DISCOVERY, REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFF'S  
CORRECTED MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

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# EXHIBIT B

Myra Garza Deposition  
(Excerpts)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

ORAL AND VIDEOTAPED DEPOSITION OF  
MYRA GARZA  
APRIL 24, 2019

ORAL AND VIDEOTAPED DEPOSITION OF MYRA GARZA,  
produced as a witness at the instance of the PLAINTIFF,  
taken in the above styled and numbered cause on  
April 24, 2019, between the hours of 4:06 p.m. and 5:39  
p.m., reported stenographically by JOHN W. FELLOWS,  
Certified Court Reporter No. 3335, in and for the State  
of Texas, at the offices of GUERRA, LEEDS, SABO &  
HERNANDEZ, PLLC, 10213 North 10th Street, McAllen,  
Texas, pursuant to the Federal Rules of Civil Procedure  
and any provisions stated on the record or attached  
therein.

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Harlingen (956) 428-0755      McAllen (956) 618-2366

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

IRMA GARZA ) (  
Plaintiff ) ( )  
VS. ) ( CIVIL ACTION NO.  
THE CITY OF EDINBURG, ) ( 7:18-cv-267  
TEXAS, RICHARD MOLINA, ) ( )  
DAVID TORRES, JORGE ) ( )  
SALINAS AND GILBERT ) ( )  
ENRIQUEZ ) ( )  
Defendants ) ( )

REPORTER'S CERTIFICATION  
ORAL AND VIDEOTAPED DEPOSITION OF  
MYRA GARZA  
APRIL 24, 2019

I, JOHN W. FELLOWS, Certified Court Reporter, certify that the witness, MYRA GARZA, was duly sworn by me, and that the transcript is a true and correct record of the testimony given by the witness on April 24, 2019; that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision;

Pursuant to Federal Rule 30(5)(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the \_\_\_\_\_  
\_\_\_\_\_, 2019.

*John W. Fellows*  
JOHN W. FELLOWS, Texas CSR 3335  
Expiration Date: 04-30-21  
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16:32 1 A. Correct.

16:32 2 Q. About the potential terminations?

16:32 3 A. Correct.

16:32 4 Q. So that was different, would you say, than the

16:32 5 other two elections?

16:32 6 A. In that aspect, yes.

16:32 7 Q. Okay.

16:32 8 A. Yes.

16:32 9 Q. And -- so you mentioned several names:

16:32 10 Ponciano Longoria was one of them, correct?

16:32 11 A. Correct.

16:32 12 Q. Now, were you aware or did you ever become

16:32 13 aware of an allegation that there was a list of

16:33 14 individuals that were -- that were being specifically

16:33 15 targeted for termination by Mayor Molina?

16:33 16 A. I did hear about a list, although I never saw

16:33 17 it, and I'm not sure where that comment --

16:33 18 Q. Okay.

16:33 19 A. -- originated from.

16:33 20 Q. You never saw a list, but you heard about a

16:33 21 list?

16:33 22 A. Correct.

16:33 23 Q. Okay. Now, did they say it was a written list

16:33 24 or list in somebody's head; do you know?

16:33 25 A. I can't say for certain --

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16:33 1 Q. Okay.

16:33 2 A. -- whether it was a written list. I don't

16:33 3 think it was a list in someone's head.

16:33 4 Q. So you're saying there was an actual physical

16:33 5 list of names --

16:33 6 A. I think there might have been an actual

16:33 7 physical list. But that's just an assumption on my

16:33 8 part.

16:33 9 Q. And who were the people that were on this list?

16:33 10 MR. AGUILAR: Objection, speculation.

16:33 11 Q. What is your understanding of who was on the

16:33 12 this list?

16:33 13 A. Okay. So my understanding on the list was,

16:33 14 myself; Irma; Ramiro Gomez; the city manager.

16:34 15 Q. Richard Hinojosa?

16:34 16 A. Richard Hinojosa.

16:34 17 Q. Uh-huh.

16:34 18 A. Who else? Finance director.

16:34 19 Q. Who was that?

16:34 20 A. Asencion Alonzo. Who else? Who did I say

16:34 21 already? Can you repeat?

16:34 22 Q. Yourself.

16:34 23 A. Myself.

16:34 24 Q. Irma Garza.

16:34 25 A. Correct.

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16:34 1	Q. Ramiro Gomez.
16:34 2	A. Correct.
16:34 3	Q. Ascension Alonzo.
16:34 4	A. Correct. Oh.
16:34 5	Q. Richard --
16:34 6	A. Sean Snyder.
16:34 7	Q. Okay.
16:34 8	A. Okay. Go ahead.
16:34 9	Q. And Richard Hinojosa.
16:34 10	A. Richard Hinojosa.
16:34 11	Q. Was Ponciano Longoria on that list?
16:34 12	A. Ponciano Longoria.
16:34 13	Q. Was Maribel Velasquez?
16:35 14	A. Maribel Velasquez definitely.
16:35 15	Q. Leo Gonzalez?
16:35 16	A. Leo Gonzalez. And Sonia Marroquin.
16:35 17	Q. Okay. Blanca Rodriguez?
16:35 18	A. No.
16:35 19	Q. No?
16:35 20	A. No.
16:35 21	Q. Anyone else?
16:35 22	A. I'm not sure -- I'm not sure if Joe Filoteo.
16:35 23	Q. Okay.
16:35 24	A. I'm trying to think of all the directors.
16:35 25	Q. Yes, ma'am.

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16:35 1 A. Let's take a look. Not the chamber. So are we  
16:36 2 being specific with just the City of Edinburg, or the  
16:36 3 Boys and Girls Club, Chamber of Commerce and EDC?  
16:36 4 Q. Well, did the City of Edinburg control whether  
16:36 5 or not those people were terminated or --  
16:36 6 A. Well, they could have, especially the EDC,  
16:36 7 because the city council appoints the EDC Board, and  
16:36 8 therefore the board will terminate or retain the  
16:36 9 employees that are --  
16:36 10 Q. Okay. Anyone in EDC that was on that list?  
16:36 11 A. Agustin Garcia. I think that's  
16:36 12 his -- Agustin Gus. I just know him as Gus Garcia.  
16:36 13 Well, yeah. Agustin Garcia. Because he was on City  
16:36 14 Commissioner -- I mean, city council member. Nelda  
16:36 15 Ramirez.  
16:36 16 Q. Okay.  
16:37 17 A. I'm not sure about the other --  
16:37 18 Q. Okay.  
16:37 19 A. -- staff there, but --  
16:37 20 Q. Okay. What about the Boys and Girls Club?  
16:37 21 A. Nobody from the Boys and Girls Club. And  
16:37 22 nobody from the Chamber of Commerce that I know of.  
16:37 23 Yeah.  
16:37 24 Q. Okay. Now, Ponciano Longoria, he was on the  
16:37 25 list, correct?

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16:44 1 that the -- the mayor and the city council were asking  
16:44 2 him to make changes.

16:44 3 Q. And that -- was that change getting rid of  
16:44 4 Irma?

16:44 5 MR. AGUILAR: Objection, speculation.

16:44 6 A. That change would be, I guess -- I'm not sure  
16:44 7 if getting rid of Irma completely, but I know that  
16:44 8 there were certain people that he needed to address  
16:44 9 their employment.

16:44 10 Q. What do you mean by he needed to address their  
16:44 11 employment?

16:45 12 MR. AGUILAR: Objection, speculation.

16:45 13 A. Yeah. He needed to tell them whether or not  
16:45 14 they were going to have a job. He needed to tell  
16:45 15 them -- it wasn't just a few. It was Ponciano. It was  
16:45 16 myself. It was Irma.

16:45 17 He, pretty much, told Irma, It's probably  
16:45 18 best that you start looking for another job; told  
16:45 19 Ponciano, It's probably best that you start looking for  
16:45 20 another job. But told me if I was willing to transfer  
16:45 21 to or -- over to EDC.

16:45 22 Q. So when they -- and you did transfer to EDC,  
16:45 23 correct?

16:45 24 A. Correct.

16:45 25 Q. And prior to that, you had a discussion with

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16:45 1 Mr. Hinojosa about that?

16:45 2 A. Correct.

16:45 3 Q. Richard?

16:45 4 A. Well, at the time that he was telling me, that  
16:45 5 if I would consider move -- transferring over to EDC is  
16:45 6 the time that we had a discussion. When he told me  
16:45 7 that -- that it was -- it was a good viable option for  
16:45 8 me. So I took the -- the opportunity that was afforded  
16:46 9 to me.

16:46 10 Q. And did he say whether or not any of the other  
16:46 11 employees that either resigned or were terminated had  
16:46 12 that same option?

16:46 13 A. They did not.

16:46 14 MR. AGUILAR: Objection --

16:46 15 A. They did not.

16:46 16 MR. AGUILAR: Objection, multifarious and  
16:46 17 nonresponsive.

16:46 18 Q. What's -- okay. Did Ponciano or Irma or any of  
16:46 19 the others who resigned or were terminated, did they  
16:46 20 have that same option?

16:46 21 MR. AGUILAR: Objection, speculation.

16:46 22 Q. Do you know whether or not they had that same  
16:46 23 option?

16:46 24 MR. AGUILAR: Objection, speculation.

16:46 25 A. They -- they did not have that option.

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16:46 1 Q. Okay.

16:46 2 A. From my understanding from what Mr. Hinojosa  
16:46 3 told me.

16:46 4 Q. Okay. Now, did you discuss -- other than with  
16:46 5 Mr. Hinojosa, your move from the City of Edinburg to  
16:46 6 the EDC, did you discuss that with anyone else at the  
16:46 7 City of Edinburg?

16:46 8 A. My move, other than the City of Edinburg?  
16:47 9 Well, I discussed it with my husband.

16:47 10 Q. No. Within City of Edinburg?

16:47 11 A. Oh, within the City of Edinburg?

16:47 12 Q. Yes.

16:47 13 A. Within the City of Edinburg, I discussed it  
16:47 14 with Mr. Alonzo. I believe I might have told him.

16:47 15 Q. Ascension Alonzo?

16:47 16 A. Ascension Alonzo. I might have told him that  
16:47 17 they wanted me to move to EDC. And that -- that they  
16:47 18 were willing to leave my salary the same, my benefits  
16:47 19 the same.

16:47 20 They, pretty much, told me, you know, just  
16:47 21 get whatever it is that -- you know, give her whatever  
16:47 22 it is that she wants just so that we can move her to  
16:47 23 EDC. So they kept my salary. They kept my benefits.  
16:47 24 And they made it lucrative, I guess. They made it  
16:47 25 appealing, appealing to me --

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16:47 1 Q. Okay.

16:47 2 A. -- to make that move.

16:47 3 Q. Did you speak to Richard Molina about this

16:47 4 move?

16:47 5 A. When he -- when he addressed it, yeah, I did.

16:48 6 When he addressed it -- because the first time he

16:48 7 called me that he needed to meet with me was the same

16:48 8 day that he told me.

16:48 9 Q. Who's he that you --

16:48 10 A. Richard Molina -- Richard Hinojosa. Oh, I'm

16:48 11 sorry. Did you say did I speak to Richard Hinojosa or

16:48 12 Molina?

16:48 13 Q. Molina.

16:48 14 A. Negative. I did not.

16:48 15 Q. Never?

16:48 16 A. No.

16:48 17 Q. Okay. Did you speak to any of the other

16:48 18 council members about that?

16:48 19 A. About making the move?

16:48 20 Q. Yes.

16:48 21 A. I did speak to Jorge Salinas. He -- he,

16:48 22 pretty much, told me that -- that for me -- because I

16:48 23 had -- when the election happened and there was this

16:48 24 hearsay of this list, I asked him point blank, Am I on

16:48 25 that list?

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